

Case number 08-36705-11

06/23/09

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Marshall Dean

Private Pilot

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M. Dean

Victim of superior Air Parts defective parts.

FILED
BJ JUN 30 2009
TAMARA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re:

Superior Air Parts Inc.

Case number 08-36705-11

Chapter 11

Debtor

**MOTION OF MARSHALL DEAN FOR ALLOWANCE AND PAYMENT OF MY WARRANTY CLAIM AHEAD OF,
OR BEFORE GENESEE STAMPING AND FABRICATION INC.**

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NOW COMES Marshall Dean and files this its Motion for allowance and Payment of warranty and expenses for cause would respectfully show the Court as follows:

The party responsible for the warranty of the defective aircraft engine parts is Superior Air Parts Inc. Superior Air Parts Inc. sold the engine parts to Aircraft Specialties Services who sold the parts to Marshall Dean. The defective parts are the forward thrust bearing, and the crank for the right engine. Other parts were also purchased with this order for both left & right engines. Superior Air Parts Inc. requested that the defective parts be sent to them for evaluation. The defective parts arrived then, Superior Air Parts Inc. filed for chapter 11 bankruptcy. I am filing for warranty on defective engine parts labor, and the damage caused by the defective engine parts.

- 1. My Mechanic, Jon Reiners & I decided to exchange the right & left engines on my Piper PA-23, N3326P. We purchased all new parts from Aircraft Specialties Services/Superior Air Parts Inc. and other suppliers. The work was completed 12/16/07.**
- 2. The aircraft was flown for about 40 hours when the right engine suddenly failed, in flight, on 06/08/08. I had three children on board when the engine failed. I was able to land the aircraft without incident. This in flight failure put 3 children's lives, and the pilot's life in danger.**
- 3. The aircraft had been grounded for repairs. The repairs were proceeding slowly, for economic reasons. We are still worried that there is a possibility that the left engine could also suddenly fail too! The bearings and the cranks came from the same Superior Air Parts lots.**
- 4. The engine replacement was completed in March 2009, The aircraft is now flying on one new, and one questionable engine. I would very much like to replace or repair the questionable engine, but I cannot afford it now!**
- 5. My warranty claim precedes the claim by Genesee Stamping and Fabrication inc. Therefore my claim should be considered FIRST.**
- 6. I was in the process of realizing a warranty claim reimbursement, (Normal business proceedings),when Superior Air Parts filed chapter 11 bankruptcy.**
- 7. I have filed a Basis for claim on 02/12/09 with the court.**
- 8. Attached hereto as EXHIBIT "A" is my bases for claim by Marshall Dean (with correction for total amount). Other receipts and supporting documents are already filed with the court.**

Movant is therefore entitled to an allowed administrative expense against the Chapter 11 bankruptcy estate of Debtor in the amount of \$99,200.00

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PRAYER

Claimant respectfully requests that this Court enter the Order, and grant such other and further relief as the Court deems appropriate in the circumstances

Respectfully submitted,

BY: Marshall Dean

Private Pilot

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El Paso, TX 79924

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(915) 8313363 Math professor at El Paso Community College

(915) 7555367 home

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Victim of superior Air Parts defective parts.

02/12/09

Basis for claim by Marshall Dean

The party responsible for the warranty of the defective aircraft engine parts is Superior Air Parts Inc. Superior Air Parts Inc. sold the engine parts to Aircraft Specialties Services who sold the parts to Marshall Dean. The defective parts are the forward thrust bearing, and the crank for the right engine. Other parts were also purchased with this order for both left & right engines. Superior Air Parts Inc. requested that the defective parts be sent to them for evaluation. The defective parts arrived then, Superior Air Parts Inc. filed for chapter 11 bankruptcy. I am filing for warranty on defective engine parts and the damage caused by the defective engine parts.

History of engines

My Mechanic, Jon Reiners & I decided to exchange the right & left engines on my Piper PA-23, N3326P. We purchased all new parts from Aircraft Specialties Services/Superior Air Parts Inc. and other suppliers. The work was completed 12/16/07. The aircraft was flown for about 40 hours when the right engine suddenly failed, in flight, on 06/08/08. I had three children on board when the engine failed. I was able to land the aircraft with out incident. Since then the aircraft has been grounded for repairs. The repairs are proceeding slowly, for economic reasons. We are worried that there is a possibility that the left engine could also suddenly fail too! The bearings and the cranks came from the same Superior Air Parts lots.

Repair budget justification

Because of the requirement to meet the 02/17/09 filing date for proof of claim, then I must request reimbursement for a proposed repair budget, and not the actual cost of the complete repair. We can not have both engines completely repaired by 02/17/08. Please consider my proposed budget of repair:

Quantity	Item	Price	Extension
2	NEW Lycoming O320 B1A Engines	46,000.00	92,000.00
1	Metal chip damage to right engine and other parts	1,300.00	1,300.00
2	shipping for engines	500.00	1,000.00
2	labor for removing and replacing engines	1,000.00	2,000.00
1	Miscellaneous expenses	2,900.00	<u>2,900.00</u>

Reimbursement request	Total	99,200.00
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Supporting document(s)

Aircraft Specialties Services invoice 16519 rejecting damaged parts (not repairable)

Sincerely,

Marshall H. Dean

*Corrected
M. Dean
6/23/09*